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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,994	10/15/2001	Augustin J. Farrugia	032326-098	9558

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EXAMINER

MEKY, MOUSTAFA M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/975,994

Applicant(s)

FARRUGIA ET AL.

Examiner

Moustafa M. Meky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-15 and 25-33 is/are allowed.
- 6) ☒ Claim(s) 1-5, 16-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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1. The response filed 3/29/2005 has been entered and considered by the examiner.
2. Claims 1-33 are presenting for examination.
3. Claims 6-15 & 25-33 are allowed over the prior art of record.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 & 16-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Sahihara (US Pat. No. 6,434,405).

6. As to claim 1, Sahihara shows in Figs 7-8, a smart card (4) for providing a user access to a smart card based Internet application 61 (Fig 8) in the absence of a conventional reader for a smart card (the card 4 is directly connected to the portable phone device 3 without the use of a conventional reader for the card 4), the smart card 4 having a memory 45 (Fig 7) with information stored therein that comprises:

- information that is dedicated to the functionality of a device (portable phone 3) with which the smart card 4 is adapted to be used (the card 4 is attached to the portable phone device 3 for obtaining a web document from the HTTP server 6), see col 2, lines 29-32, lines 37-40, col 7, lines 58-62;
- additional information that enables the portable phone device 3 to establish an Internet session (through the dial up server 2) with the Internet application 61 and

that functions as an interface to the application 61, see col 8, lines 7-15 (notice the setting information stored in the memory 45 that includes the URL designated by the user for the web document resides on the server 6, see col 2, lines 29-32, col 7, lines 58-62, col 8, lines 3-5).

7. As to claim 2, the additional information includes an applet (represented by the URL of the web document) that is a client component of the application 61 ( a request includes the URL asking for service to obtain the web document having the URL), see col 8, lines 9-11.

8. As to claim 3, the device 3 is a portable phone, see Fig 8.

9. As to claim 4, the smart card is a SIM (the smart card 4 is used with the portable phone 3), see col 2, lines 25-26, lines 50-54, col 7, lines 58-62.

10. As to claim 5, the additional information includes application fro transmitting information to the application 61 through the dial up server 2 for use in establishing the session, see col 8, lines 7-15.

11. As to claims 20-24, the claims are similar in scope to claims 1-5, and they are rejected under the same rationale.

12. As to claims 16-19, the claims are similar in scope to claims 1-5. In addition, the gateway is represented by the Dial-UP server 2 (see Fig 8) and it would establish a virtual link between the device 3 and the application 61 and translates the messages exchanged between the device 3 and the application 61, see col 8, lines 7-15.

Therefore, it can be seen from above that Sahihara anticipates claims 1-5 & 16-24.

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13. The applicant argues in his remarks that Sahihara does not teach the following:

- A user with the ability to access smart card based electronic purse, the smart card possesses dual functionality, e.g. the normal functions of a SIM card to place and receive calls with a GCM device, and the additional ability to interact with the smart card based application via the device, the features of a smart card, e.g. security protocols, user profile information, and the user's ability to place or receive telephone calls via the portable phone; and
- The smart card is a SIM.

13.A. In response to the above arguments:

- As to the first argument, these limitations are not in the claims language and therefore they will not be considered to determine the claims allowability; and
- As to the second argument, the card 4 is a SIM card, simply it contains some of the user personal information, see col 1, lines 50-54, line 67, col 2, line 1, col 4, lines 19-20.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM  
6/26/2005

  
MOUSTAFA M. MEKY  
PRIMARY EXAMINER